LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS

19925 TWENTY-THREE MILE ROAD

MACOMB, MICHIGAN 48042

PRESENT: MICHAEL KOEHS, CLERK

TRUSTEES: KENNETH MEERSCHAERT, JR.

JANET DUNN DINO F. BUCCI, JR. CHARLES OLIVER

ABSENT: JOHN D. BRENNAN, SUPERVISOR

MARIE MALBURG, TREASURER

Also in attendance: Larry Dloski, Township Attorney

Jim VanTiflin, Township Engineer

Jerome R. Schmeiser, Community Planning Consultant

Jim Gelios, Township Deputy Clerk

Jeanette Rooney, Township Treasurer Deputy (Additional attendance record on file with Clerk)

CALL MEETING TO ORDER

MOTION by DUNN seconded by OLIVER to exclude the name of Chairman John Brennan and Treasurer Marie Malburg for all future motions and that Michael Koehs is the chairman for the meeting of August 28, 2002.

MOTION carried.

PLEDGE OF ALLEGIANCE

- 1. ROLL CALL
- 2. Approval of Agenda Items (with any addendum)

MOTION by DUNN seconded by BUCCI to approve the August 28, 2002 Agenda with the followings addendum's as follows:

Additions:

Fire Department:

22a. Request to purchase a smoke generator.

Water & Sewer Department:

23a. Sanitary Sewer Extension along Lutchman Road for Strathmore Subdivision.

Water & Sewer Department:

28a. <u>Supervisor Comments:</u>

Co-op for Assessing Department.

28b. Extension of Conditional Work Hour & Noise Variance; Romeo Arm Interceptor In Garfield Road; Detroit Water & Sewer Department Contract PCI-45.

Clerks Comments:

29b. Resolution of the Board of Trustees; South Fork Estates Subdivision.

Corrections:

- 4. Township Board August 14, 2002 Meeting Minutes corrections as follows:
 - Item number 17. Request to schedule Public Hearing to create Special Assessment District Street Lighting: Deerfield Park North Subdivision. Removal of the Amendment to Subdivision Fence Regulations; Chapter 14 Code of Ordinances.
 - Item number 18. Request to schedule Public Hearing to create Special Assessment District Street Lighting; Parkview Commons Subdivision. September 11, 2002 Public Hearing date was added to the motion.
 - Item number 33b. Resolution authorizing the filing of a chapter 20 drain petition. Deletion of the second Malburg as shown in the FOR THIS MOTION.
 - Item number 22 and 22a are combine to just item number 22. as follows: 22. Fire Prevention Program; Request permission to purchase supplies for Fire Prevention Week.

MOTION carried.

3. Approval of Bills

MOTION by OLIVER seconded by DUNN to approve the bills as submitted.

MOTION carried.

4. Approval of Meeting Minutes

MOTION by MEERSCHAERT seconded by BUCCI to approve the Revised Meeting Minutes of August 14, 2002 as submitted.

MOTION carried.

- 5. <u>Department Monthly Reports</u>
 - a. Macomb County Sheriffs Department
 - b. Building Department
 - c. Fire Department
 - d. Water/Sewer Department
 - e. Parks and Recreation Department

MOTION by OLIVER seconded by MEERSCHAERT to approve the Department Monthly reports as submitted.

MOTION carried.

6. Public Comments (Non Agenda items only - 3 minute time limit) None.

PUBLIC HEARING:

PLANNING COMMISSION:

7. Rezoning Request; Residential One Family Suburban (R-1-S) to Commercial Shopping Center (C-3); Located on the southeast corner of 26 Mile Road and Hayes Road; Section 6. Salvatore DiMercurio, Petitioner. Permanent Parcel No. 08-06-100-001 & 08-06-100-028. (Tabled from August 14, 2002).

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: Rose Valenti, Township resident stated her reason to oppose the proposed Rezoning Request.

Petitioner: Jack Doland, representative, present. Mr. Doland reviewed the rezoning with the members of the board and held further discussion reviewing the plans submitted.

MOTION by OLIVER seconded by MEERSCHAERT to deny the Rezoning Request; Residential One Family Suburban (R-1-S) to Commercial Shopping Center (C-3); Located on the southeast corner of 26 Mile Road and Hayes Road;

Section 6. Salvatore DiMercurio, Petitioner. Permanent Parcel No. 08-06-100-001 & 08-06-100-028. (Tabled from August 14, 2002).

FOR THIS MOTION: OLIVER, MEERSCHAERT, KOEHS

OPPOSED: DUNN, BUCCI

ABSENT: MALBURG, BRENNAN

MOTION to deny carried.

8. Final Plat: Twin Rivers Subdivision (Tabled from August 14, 2002)

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: None.

Petitioner: Vincent Dilorenzo, present. Mr. Dilorenzo reviewed the history of previous Variances, Correspondence letters from the Township, and stated his request to approve the proposed Final Plat; Twin Rivers Subdivision. Larry Dloski, Township Attorney held further discussion with the petitioner regarding the request and stated his recommendations.

MOTION by DUNN seconded by BUCCI to table to September 11, 2002 per petitioner's request the Final Plat: Twin Rivers Subdivision.

MOTION carried.

9. Rezoning Request: Sec: 15 AG to R-2-L: Located on the southwest corner of 24 Mile Road and Card Road; Lorenzo Garris, Petitioner. Permanent Parcel No. 08-15-200-014.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: Dana Volkenant, Township resident, reviewed her recommendations to approve the proposed Rezoning.

Petitioner: Benjamin J. Alolu, representative, present. Mr. Alolu stated his recommendations to approve the proposed Rezoning Request and held further discussion regarding his comments to oppose the Community Planning Consultants recommendations of denial. Larry Dloski, Township Attorney held further discussion with Mr. Alolu regarding his statement concerning a Consent Judgement issue.

MOTION by OLIVER seconded by DUNN to deny the Rezoning Request: Sec: 15 AG to R-2-L: Located on the southwest corner of 24 Mile Road and Card Road; Lorenzo Garris, Petitioner. Permanent Parcel No. 08-15-200-014.

MOTION carried.

10. Tentative Preliminary Plat: Sec: 26 Hidden Meadows; Located North of 21 Mile Road and approximately 238' East of Card Road; West Star Inc., Petitioner. Permanent Parcel No. 08-26-351-013

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: None.

Petitioner: Bill Thompson, representative, present.

Member OLIVER stated his concerns of Road lengths with Jerome R. Schmeiser, Community Planning Consultant. Member DUNN stated her concerns of an adjacent parcel in connection with the proposed Tentative Preliminary Plat for Hidden Meadows and held further discussion with Jerome R. Schmeiser, Community Planning Consultants. The members of the Board held further discussion regarding the proposed Tentative Preliminary Plat.

MOTION by DUNN seconded by BUCCI to approve the Tentative Preliminary Plat: Sec: 26 Hidden Meadows; Located North of 21 Mile Road and approximately 238' East of Card Road; West Star Inc., Petitioner. Permanent Parcel No. 08-26-351-013.

MOTION carried.

11. Tentative Preliminary Plat: Sec: 19 Westminister Subdivision: Located North of 22 Mile Road and ¼ Mile East of Hayes Road. (Berz Airport) Gary Sakwa, Petitioner. Permanent Parcel No. 08-19-200-012.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: Chris Nack, Township resident reviewed his recommendation to approve the proposed Tentative Preliminary Plat.

Petitioner: Craig Duckwitz, representative, present.

MOTION by DUNN seconded by BUCCI to approve the Tentative Preliminary Plat: Sec: 19 Westminister Subdivision: Located North of 22 Mile Road and ¼ Mile East of Hayes Road. (Berz Airport) Gary Sakwa, Petitioner. Permanent Parcel No.

08-19-200-012. This motion is contingent upon the main East West road be reduced to 60' feet in width and continue west to connect to Hayes Road.

MOTION carried.

12. Final Preliminary Plat: Sec: 15 The Fairways of Macomb Phase 2: Located approximately 400' North of 23 Mile Road and approximately 1722' West of Card Road., John Cavaliere, Petitioner. Permanent Parcel No. 08-15-401-002 (part of).

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: None.

Petitioner: John Cavaliere, present. Mr. Cavaliere reviewed the request with the Members of the Board and Township Attorney Larry Dloski.

MOTION by DUNN seconded by OLIVER to approve the Final Preliminary Plat: Sec: 15 The Fairways of Macomb Phase 2: Located approximately 400' North of 23 Mile Road and approximately 1722' West of Card Road., John Cavaliere, Petitioner. Permanent Parcel No. 08-15-401-002 (part of). That the following language be noted on the plat as follows:

- 1. The plat for Phase II of the Fairways of Macomb Subdivision ("Subdivision") will denote the adjacent areas operated by the South Macomb Disposal Authority as "former South Macomb Disposal Authority 9 and 9A.
- 2. The deed restrictions for both Phases I and II of the Subdivision will include a statement as follows: "One groundwater monitoring well (MW 502) exists in Phase II of to subdivision in connection with the South Macomb Disposal Authority ("SMDA") environmental remediation project for SMDA Landfills 9 and 9a. The monitoring well is located within the right-of-way of McBride Drain and not within a platted lot. In the future, additional monitoring wells may be installed within the subdivision in connection with the SMDA remediation project."
- 3. "Wetland Preservation area. (Private). Entire area subject to a private easement to the Michigan Department of Environmental Quality for Wetland Preservation Purposes." Recorded 03-29-02 Liber 11563, Page 309, 310, 311 & 312.

MOTION carried.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON WEDNESDAY AUGUST 28, 2002

AT 7:00 P.M.

13. Final Plat: Sec: 27 Cornerstone Village No. 6; located on the South side of 22 Mile Road and West of Card Road (not the immediate corner). Permanent Parcel No. 08-27-200-019.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: None.

Petitioner: Not present.

Jim Van Tiflin, Township Engineer held further discussion reviewing the pathway concerns and bridge concerns of the Final Plat plan. Larry Dloski, Township Attorney reviewed the plans and held further discussion with Jim Van Tiflin, Township Engineer.

MOTION by MEERSCHAERT seconded by OLIVER to deny the Final Plat: Sec: 27 Cornerstone Village No. 6; located on the South side of 22 Mile Road and West of Card Road (not the immediate corner). Permanent Parcel No. 08-27-200-019.

MOTION carried. (Wednesday September 11, 2002 Township Board Meeting this motion was rescinded and approved)

14. Direct Planning Commission to hold Public Hearing to amend Zoning Ordinance No. 10: Private Driveways and Walks.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: None.

MOTION by DUNN seconded by BUCCI to approve to Direct The Planning Commission to hold Public Hearing to amend Zoning Ordinance No. 10: Private Driveways and Walks.

MOTION carried.

NEW BUSINESS:

15. Request for Speculative Building Designation Resolution for lots: 16, and the south 63' of lot 15. Quadrate Corporate Park Subdivision.

Clerk KOEHS reviewed the request and held further discussion with the Members of the Board.

Public Portion: None.

Petitioner: James D'Agostini, representative, present.

MOTION by MEERSCHAERT seconded by DUNN to approve to adopt the Request for Speculative Building Designation Resolution for lots: 16, and the south 63' of lot 15. Quadrate Corporate Park Subdivision as follows:

RESOLUTION

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on **August 28, 2002**, at 7:00 o'clock P.M. Eastern Daylight Savings Time.

PRESENT: Michael D. Koehs, Dino Bucci, Jr., Janet Dunn, Charles Oliver, Kenneth Meerschaert, Jr.

ABSENT: Marie E. Malburg, John D. Brennan

The following preamble and resolution were offered by Member and supported by Member .

WHEREAS, Quadrate Development, L.L.C. ("Petitioner") is the owner of land in the Township of Macomb, Macomb County, Michigan, more particularly described in Exhibit "A" attached hereto (the "Land"); and

WHEREAS, on **January 13, 1999**, the Township Board established an Industrial Development District pursuant to 1974 PA 198 upon the request of the then owners, Quadrate Development, L.L.C., a Michigan Corporation, consisting of lands which are now known as the Quadrate Industrial Park, of which the Land is a part thereof; and

WHEREAS, Petitioner proposes to construct an industrial building(s) of approximately 33,660 square feet on the Land and has requested the Township Board to approve said structure(s) as a Speculative Building as defined in Section 3(8) and upon the conditions as set forth in Section 9(4) of Act 198 supra; and

WHEREAS, after examining Petition and being cognizant of the location and character of the structure, the Township Board is desirous of granting said Petition.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN THAT:

1. The Application of Quadrate Development, L.L.C. to construct a speculative building consisting of approximately 33,660 square feet in area, on land described in Exhibit "A" be and by the same is hereby declared and approved as a Speculative Building pursuant to the provisions of 1974 PA 198.

- 2. The building shall be designated as a Speculative Building for a period of nine (9) years from and after its construction.
- 3. That an application for Industrial Facilities Exemption Certificate may be submitted by the first user of such building which qualifies pursuant to the provisions of Act 198 supra.

AYES: MEERSCHAERT, DUNN, BUCCI, OLIVER, KOEHS

NAYS: NONE

ABSENT: MALBURG. BRENNAN

RESOLUTION DECLARED ADOPTED.

Michael D. Koehs Macomb Township Clerk

EXHIBIT "A"

Lot 16 and the south 63 feet of Lot 15 of Quadrate Corporate Park Subdivision, according to the plat thereof as recorded in Liber 129, pages 1-3 of Plats, Macomb County Records; Parcel Id. 08-18-474-001; commonly known as 51379 Quadrate Drive.

- 16. Release of Model Bonds:
 - a. Lot 155: Stagsleap Pointe Subdivision No. 2 AKA 50941 Shenandoah Drive.
 - b. Lot 3: Parkview Commons AKA 50884 Commons Drive.

Clerk KOEHS reviewed the request of Release of Model Bonds.

MOTION by DUNN seconded by OLIVER to release the model bond for Lot 155: Stagsleap Pointe Subdivision No. 2 AKA 50941 Shenandoah Drive.

MOTION carried.

MOTION by DUNN seconded by OLIVER to release the model bond for Lot 3: Parkview Commons AKA 50884 Commons Drive.

MOTION carried.

17. Release of Temporary Cement Batch Plant Bond: Chippewa Valley Project; Located on 22 Mile Road and Card Road. Florence Cement Company, Petitioner.

Clerk KOEHS reviewed the request.

MOTION by DUNN seconded by BUCCI to approve the Release of Temporary Cement Batch Plant Bond: Chippewa Valley Project; Located on 22 Mile Road and Card Road. Florence Cement Company, Petitioner.

MOTION carried.

18. Model Permit Request: Urban Meadows Subdivision Lots: 42, 43, 44 and 45.

Clerk KOEHS reviewed the request.

MOTION by DUNN seconded by MEERSCHAERT to deny the Model Permit Request: Urban Meadows Subdivision Lots: 42, 43, 44 and 45.

MOTION carried.

19. Model Permit Request: Wolverine trace Subdivision Lots: 1, 2, 3, and 44.

Clerk KOEHS reviewed the request.

MOTION by DUNN seconded by KOEHS to deny the Model Permit Request: Wolverine Trace Subdivision Lots: 1, 2, 3, and 44.

MOTION carried.

20. Revoke Landscape Bond: Edinberg Estates Subdivision.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: None.

Petitioner: John Cavaliere, present. Mr. Cavaliere held further discussion with Larry Dloski, Township Attorney, and reviewed the request.

Member KOEHS and Larry Dloski, Township Attorney held further discussion regarding the request.

MOTION by DUNN seconded by BUCCI to table to the meeting of September 25, 2002 the Revoke Landscape Bond: Edinberg Estates Subdivision.

MOTION carried.

BUILDING DEPARTMENT

21a. Request to have five (5) Building Inspectors attend fall conference.

Bob Beckett, Township Building Official reviewed the request.

Public Portion: None.

MOTION by MEERSCHAERT seconded by OLIVER to approve the Request to have five (5) Building Inspectors attend fall conference.

MOTION carried.

21b. Request for payment to be to paid to Jim Muir GMC for engine and air condition repair for truck No. 209.

Bob Beckett, Township Building Official reviewed the request.

Public Portion: None.

MOTION by MEERSCHAERT seconded by OLIVER to approve Request for payment to be to paid to Jim Muir GMC for engine and air condition repair for truck No. 209.

MOTION carried.

FIRE DEPARTMENT:

22. Fire Prevention Program; Request permission to purchase supplies for Fire Prevention Week.

Ray Ahonen, Fire Chief reviewed the request.

MOTION by DUNN seconded by OLIVER to approve the Fire Prevention Program; Request permission to purchase supplies for Fire Prevention Week.

MOTION carried.

22a. Request to purchase a smoke generator.

Ray Ahonen, Fire Chief reviewed the request.

MOTION by OLIVER seconded by DUNN to approve the Request to purchase a smoke generator.

MOTION carried.

WATER/SEWER DEPARTMENT:

23. Easement Encroachment Agreement, David C. & Debra L. Montrose, 20467 Windemere Drive, Macomb, MI 48044, Lot 39, Windemere Woods Subdivision.

David Koss, Water & Sewer Department Superintendent reviewed the request.

MOTION by DUNN seconded by OLIVER to approve the Easement Encroachment Agreement, David C. & Debra L. Montrose, 20467 Windemere Drive, Macomb, MI 48044, Lot 39, Windemere Woods Subdivision.

MOTION carried.

23a. Sanitary Sewer Extension along Luchtman Road for Strathmore Subdivision.

David Koss, Water & Sewer Department Superintendent reviewed the request.

Jim VanTiflin, Township Engineer held further discussion with the members of the Board and David Koss, Water & Sewer Department Superintendent.

MOTION by DUNN seconded by BUCCI to proceed with the Sanitary Sewer Extension along Luchtman Road for Strathmore Subdivision.

MOTION carried.

24. Easement Encroachment Agreement, John & Grace Boyd, 50884 & 54240 Verona Park Drive, Macomb, MI 48042, Lot 115, Verona Park Subdivision No. 2.

David Koss, Water & Sewer Department Superintendent reviewed the request.

MOTION by BUCCI seconded by OLIVER to approve the Easement Encroachment Agreement, John & Grace Boyd, 50884 & 54240 Verona Park Drive, Macomb, MI 48042, Lot 115, Verona Park Subdivision No. 2.

MOTION carried.

25. Request for Temporary Batch Plant, Tony Angelo Cement Company.

David Koss, Water & Sewer Department Superintendent reviewed the request.

MOTION by DUNN seconded by BUCCI to approve the Request for Temporary Batch Plant, Tony Angelo Cement Company for a time period of 45 starting from August 29, 2002.

FOR THIS MOTION: DUNN, BUCCI, MEERSCHAERT, KOEHS

OPPOSED: OLIVER

MOTION to approve carried.

- 26. Approval of Purchase Requisitions.
 - a. Modernistic Cleaning Services.

David Koss, Water & Sewer Department Superintendent reviewed the request.

MOTION by OLIVER seconded by MEERSCHAERT to grant the Purchase Requisitions for the Modernistic Cleaning Services.

MOTION carried.

PARK & RECREATION

27. Request to mail the Fall Edition of the Dimensions.

Clerk KOEHS reviewed the request with the members of the Board.

MOTION by MEERSCHAERT seconded by DUNN to approve the Request to mail the Fall Edition of the Dimensions.

MOTION carried.

28. Recommendation to hire Parks & Recreation Director.

Clerk Koehs reviewed informational only.

BOARD COMMENTS:

- 28a. Supervisors Comments
 - 1. Co-op for Assessing Department.

Clerk KOEHS reviewed the request to hire a Co-op for Assessing Department.

MOTION by OLIVER seconded by DUNN to approve to hire a Co-op for Assessing Department.

MOTION carried.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON WEDNESDAY AUGUST 28, 2002

AT 7:00 P.M.

28b. Extension of Conditional Work Hour & Noise Variance; Romeo Arm Interceptor in Garfield Road Detroit Water & Sewer Department Contract PCI-45.

Clerk KOEHS reviewed the request.

MOTION by DUNN seconded by MEERSCHAERT to grant the Extension of Conditional Work Hour & Noise Variance; Romeo Arm Interceptor in Garfield Road; Detroit Water & Sewer Department Contract PCI-45. For time period of 90 days.

MOTION carried.

- 29. Clerk's Comments None.
- 29a. Liquor License Application Ordinance and Procedure.

MOTION by DUNN seconded by MEERSCHAERT to adopt the Liquor License Application Ordinance and Procedure and direct the Township Clerk to publish the ordinance.

MOTION carried.

29b. Resolution of the Board of Trustees: South Fork Subdivision.

MOTION by OLIVER seconded by MEERSCHAERT to adopt the Resolution of the Board of Trustees: South Fork Subdivision.

FOR THIS MOTION: OLIVER, MEERSCHAERT, DUNN, BUCCI, KOEHS

OPPOSED: NONE

ABSENT: MALBURG, BRENNAN

MOTION to adopt carried.

- 30. Treasurer's Comments None.
- 31. Trustee's Comments

The board members held further discussion with Larry Dloski, Township Attorney regarding submitted documents for your information (FYI) concerning the Barry Brocker & Lynda Brocker information.

EXECUTIVE SESSION:

MOTION by	MEERSCHAERT	seconded	by	BUCCI	to	adjourn	into	Executive
Session.								

MOTION carried.

Meeting reconvened at 8:34 P.M.

32. Review of Riverside Communities Consent Judgement.

Deleted.

33. Township of Macomb v Michaels, et al Commercial composting operation, Macomb Township.

Informational only.

34. Macomb Township v Benzel.

MOTION by DUNN seconded by OLIVER to table the Macomb Township v Benzel to September 11, 2002 Township Board meeting.

MOTION carried.

35. Macomb Township v Bielat

Informational only.

ADJOURNMENT

MOTION by MEERSCHAERT seconded by KOEHS to adjourn the meeting at 8:52 P.M.

MOTION carried.				
Respectfully,				
John D. Brennan, Supervisor				

Michael D. Koehs, Clerk Gabrielle M. Baker, Recording Secretary MDK/gmb